

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

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Darlene Green,)	
)	
Plaintiff,)	
)	Civil Action No. 2:11-2219-RMG
vs.)	
)	
Wal-Mart Stores, Inc. John Does)	
1-5,)	ORDER
)	
Defendants.)	
)	
)	
)	

This matter comes before the Court on Defendants' motion to dismiss. (Dkt. No. 15).

This matter was referred to the United States Magistrate Judge for pre-trial handling pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 73.02, D.S.C. Plaintiff has brought this action *pro se*. The Magistrate Judge issued a Report and Recommendation on May 3, 2012 recommending that the Defendants' motion be granted in part and denied in part with leave to file an amended complaint within fifteen days of adoption of the Report and Recommendation by the District Court. (Dkt. No. 34). The parties were advised that any objections to the Report and Recommendation must be filed in writing within 14 days of service of the Report and Recommendation or face limited review by the District Court and waiver of the right of appeal. (Dkt. No. 34 at 6). No party have filed an objection to the Report and Recommendation.

The Court has reviewed the record in this matter, the Report and Recommendation and the applicable law and hereby finds that the Report and Recommendation accurately summarizes

the applicable factual and legal issues in this motion. Therefore, the Court hereby adopts the Report and Recommendation as the order of this Court. Plaintiff's claims of gender discrimination, sexual harassment, Section 1983, Fourteenth Amendment and "emotional trauma" are dismissed. Plaintiff is permitted within 15 days of this order to file an amended complaint to amend her race discrimination and retaliation claims pursuant to Title VII and to add a claim pursuant to 42 U.S.C. § 1981.¹

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Judge

June 6, 2012
Charleston, South Carolina

¹ The Court notes that Plaintiff has filed a motion to amend her complaint and to file a Second Amended Complaint. (Dkt. No. 40). Plaintiff has also filed the proposed Second Amended Complaint. (Dkt. No. 40-1). In light of the Court's order, this motion (Dkt. No. 40) is now moot. **Plaintiff now has 15 days to file the Second Amended Complaint, which must be filed with Plaintiff's original signature.** See, Dkt. No. 41. Since Plaintiff has indicated the desire to withdraw the Amended Complaint filed May 15, 2012, Defendant's motion to strike (Dkt. No. 38) is also moot.